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09/780,673	02/12/2001	Jong-Hee Han	P56319	8273
8439	7590	01/25/2006		
ROBERT E. BUSHNELL 1522 K STREET NW SUITE 300 WASHINGTON, DC 20005-1202			EXAMINER SRIVASTAVA, VIVEK	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/780,673

Applicant(s)

HAN, JONG-HEE

Examiner

Vivek Srivastava

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-11 is/are allowed.
- 6) ☒ Claim(s) 12, 14, 15 and 20 is/are rejected.
- 7) ☒ Claim(s) 13 and 16-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Regarding claim 12, Applicant argues, "In the present office action, the Examiner says that the control signals of McVoy read on Applicant's discretionary control data. Applicant disagrees. Applicant submits that the control signals of McVoy are not discretionary and thus repugnant to the term discretionary control." Applicant further argues "the control signal, in McVoy is entirely unrelated to parental discretion. Parental discretion blocking requires an act of blocking at the subscriber's end. This is not true with the controls of McVoy as the blocking in McVoy is done at the headend, not at the subscriber's end.

The Examiner submits that specific definition Applicant is giving to "discretionary control data" is entirely void from the claim as recited. Applicant seems to feel that "discretionary control data" has a specific connotation in the art in that it refers to parental discretion at the subscriber's end. The Examiner disagrees and reminds Applicants In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., specific definition of discretionary control data as parental discretion at the subscriber's end) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding claim 12, Applicant disagrees with the Examiner's assertion that that McVoy further discloses the 60 cycle control signal blocks the AGC when the cycle is above the 20 cycle threshold. Applicant submits that the Examiner inaccurately interpreted that the 60 cycle control signal blocks the AGC. Applicant further argues "Through the entire specification of McVoy '823, there is no teaching that the 60 cycle control signal blocks automatic gain control (AGC)." Applicant still further argues "If AGC arrangement is not able to respond to the 60 cycle signal, how does the 60 cycle signal block the AGC".

The Examiner disagrees. McVoy discloses "The picture on the CRT 114 will, therefore, be severely modulated with a 60 cycle hum and will be unuseable. It should be noted that the time constant in the automatic gain control circuit is of the order of five seconds and as a result the AGC arrangement will be unable to respond to the 60 cycle signal". It is clear that since the order of the automatic gain control is five seconds, the AGC cannot respond to the 60 cycle signal. In other words, the AGC cannot respond to a 60 cycle signal, the receiver is not useable since the AGC is blocked. If by chance Applicant's reasoning is correct, which is by no means an admission by the Examiner, that the AGC is not affected by the 60 cycle signal, then how is the receiver useable at a 20 cycle signal ? In other words if the AGC is only responsive to the time constant of the order of 5 seconds, then it would not matter if the cycle is 20 or 60. This is not the case since McVoy clearly discloses the AGC is unable to respond to the 60 cycle signal.

It is further noted that the claim recites "...a viewing restricting stage detecting said discretionary control data of the program received through said tuner and blocking

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automatic gain control signals for said tuner receiving the program when the discretionary control data is greater than a discretionary threshold". The claim does not recite that the discretionary data blocks the AGC. It simply recites that the AGC is blocked when the discretionary control data is greater than discretionary threshold.

Regarding claim 12, Applicant further argues "that there is no comparable threshold in McVoy" and that the "20 cycle control signal cannot read on Applicant's threshold".

Once again the Examiner submits that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. The claims fail to recite a comparable threshold. McVoy teaches the system is useable when 20 cycle control signal is received and not useable when a 60 cycle is received resulting in blocking of the AGC. The Examiner reiterates the threshold is a 20 cycle control signal. Absent any recitation of comparing to determine if a threshold is met, McVoy teaches the claimed limitation and the Applicant's arguments are not persuasive.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by McVoy (US 3,684,823).

Regarding claim 12, McVoy discloses a television communications system comprising a television receiver apparatus (see fig 3, col 2 lines 32 – 34). McVoy further discloses the television receiver includes a R.F. tuner 94 which is adjustable to selectively receive video signals representing a program of video images. McVoy further discloses the received cable television video signals transmitted from the headend include control signals (see Abstract, col 1 lines 60 – 67, col 7 lines 3 – 57). It is noted that the control signals meet the claimed “discretionary control data”. McVoy further discloses the headend transmits two control signals, a 20 cycle signal and 30 cycle signal. The received 30 cycle results in a low voltage 60 cycle signal which disables the output signal (see col 7 lines 40 – 46). The control signals are detected by FM discriminator 122 and control circuitry 132 (see fig 3, col 7 lines 19 – 45) and thus McVoy discloses the claimed “viewing restricting stage detecting said discretionary control data” as claimed. McVoy further discloses the 60 cycle control signal blocks the AGC when the cycle is above the 20 cycle threshold (see col 6 lines 45 – 68, col 7 lines 3 – 17).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McVoy (3,684,823).

Regarding claim 14, McVoy fails to disclose the claimed further comprised of an additional tuner, with both tuners being independently tunable to simultaneously receive different video signals corresponding to different programs.

Official Notice is taken that utilization of two tuners can provide picture-in-picture capabilities or can result in faster channel changes. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify McVoy to include the claimed limitation to provide picture-in-picture capabilities or faster channel changes.

Regarding claim 15, McVoy fails to disclose the claimed further comprised of an additional tuner, with both of said tuners being independently tunable to simultaneously receive identical video signals corresponding to said program.

Official Notice is taken that the utilization of two tuners can provide reception of the same program from two different sources thus providing a user with the option of selecting the source for viewing a given program. For example, in the television art, it is well known to provide a user with option of viewing a given program received from CATV and satellite. Therefore, it would have been obvious to modify McVoy to include the claimed limitation to provide a user with option of viewing a program from a source of the user's choice.

Regarding claim 20, McVoy discloses blocking the AGC when the discretionary control data is greater than a discretionary threshold to prevent viewing as discussed above, but fails to teach blocking the recording of a program when the discretionary control data is greater than a discretionary threshold.

Official Notice is taken it would have been well known in the art means to prevent recording a program would have been to block the AGC. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify McVoy to include the claimed limitation to also prevent the recording of program when so desired or when a recording is not authorized.

Allowable Subject Matter

Claims 1- 11 are allowed.

Claim 13 and 16 – 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Callais et al (3,885,089) – Television scrambling system

Glaab (6,188,870) – Passive interdiction system for scrambling

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305-4038. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs

1/20/06



VIVEK SRIVASTAVA
PRIMARY EXAMINER